

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

CATRINA SMITH,

Plaintiff,

v.

LAKE TRAVIS I.S.D.,

Defendant.

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1:17-CV-393-RP

**ORDER**

Before the Court is the above-styled cause of action, in which Plaintiff Catrina Smith is proceeding *pro se*. In a Response to Defendant Lake Travis I.S.D.'s Motion to Dismiss, Plaintiff referenced several new "reasons and documentation to prove [her] charges against the defendant." (Resp., Dkt. 15, at 1). Included in Defendant's Reply was a Motion to Strike those statements, which argued that "Plaintiff should be limited to the facts pled in her Complaint." (Reply, Dkt. 16, ¶ 7). That Motion was filed on August 18, 2017. (*Id.*).

The Court has previously directed Plaintiff to the Local Rule governing deadlines for responses and replies, which states that responses to nondispositive motions are due no later than 7 days after the filing of the motion. (W.D. Tex. Local Rule CV-7(e)(2)). Plaintiff's response to Defendant's Motion to Strike was therefore due on or before August 25, 2017. The Court's record reflects that no response has been filed.

When there is no response filed within the time period described above, the Court is permitted to grant the motion in question as unopposed. (W.D. Tex. Local Rule CV-7(e)(2)). This is true even when a party is proceeding *pro se*, as "pro se parties must still comply with the rules of procedure." *Ogbodiegwu v. Wackenhut Corrs. Corp.*, 202 F.3d 265, 1999 WL 1131884, at \*2 (5th Cir.

1999) (per curiam). ““The notice afforded by the Rules of Civil Procedure and the local rules’ is ‘sufficient’ to advise *pro se* litigants of their burden;” and “no ‘particularized additional notice’ for *pro se* litigants is required.” *Thorn v. McGary*, 2017 WL 1279222, at \*2 (5th Cir. April 5, 2017) (quoting *Martin v. Harrison Cty. Jail*, 975 F.2d 192, 193 (5th Cir. 1992) (per curiam)).

**IT IS THEREFORE ORDERED** that Defendant’s Motion to Strike, contained within its Reply to the pending Motion to Dismiss, (Dkt. 16; docket entry dated August, 18 2017), is **HEREBY GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk’s Office mail a copy of this Order to Plaintiff via certified mail. Plaintiff’s address is listed as 7100 Dallas Drive in Austin, Texas, 78729.

**SIGNED** on September 7, 2017.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE